

**Caution: DRAFT FORM**

This is an advance draft copy of a California tax form. It is subject to change and FTB approval before it is officially released.

If you have any comments on this draft form, you can submit them to us on our website at [www.ftb.ca.gov/forms/drafts/index.html](http://www.ftb.ca.gov/forms/drafts/index.html).

# 540-ES Form 1 at bottom of page

## PAY ONLINE:

Use Web Pay and enjoy the ease of our free online payment service. Go to our website at [ftb.ca.gov](http://ftb.ca.gov) and search for **payment options**. **You can schedule your payments up to one year in advance.** **Do not mail this form if you use Web Pay.**

✂ DETACH HERE IF NO PAYMENT IS DUE, DO NOT MAIL THIS FORM DETACH HERE ✂

TAXABLE YEAR

CALIFORNIA FORM

**2009**

## Estimated Tax for Individuals

File and Pay by April 15, 2009

**540-ES**

Fiscal year filers, enter year ending month:

Year 2010

Your first name	Initial	Last name	Your SSN or ITIN
If joint payment, spouse's/RDP's first name	Initial	Last name	Spouse's/RDP's SSN or ITIN
Address (including number and street, PO Box, or PMB no.)			Apt no./Ste. no.
City (If you have a foreign address, see instructions)			State ZIP Code

**Payment  
Form  
1**

**Do not combine this payment with payment of your tax due for 2008.** Make your check or money order payable to the "Franchise Tax Board." Write your social security number or individual taxpayer identification number and "2009 Form 540-ES" on it. Mail this form and your check or money order to: **FRANCHISE TAX BOARD, PO BOX 942867, SACRAMENTO CA 94267-0031.**

If no payment is due, do not mail this form.

See Section A of the instructions for an alternative to using this form.

Amount of payment

00

**2009 Estimated Tax for Individuals**

File and Pay by June 15, 2009

**540-ES**

Fiscal year filers, enter year ending month: Year 2010

Your first name	Initial	Last name	Your SSN or ITIN
If joint payment, spouse's/RDP's first name	Initial	Last name	Spouse's/RDP's SSN or ITIN
Address (including number and street, PO Box, or PMB no.)			Apt no./Ste. no.
City (If you have a foreign address, see instructions)			State ZIP Code

**Payment  
Form  
2**

Do not combine this payment with payment of your tax due for 2008. Make your check or money order payable to the "Franchise Tax Board." Write your social security number or individual taxpayer identification number and "2009 Form 540-ES" on it. Mail this form and your check or money order to: **FRANCHISE TAX BOARD, PO BOX 942867, SACRAMENTO CA 94267-0031.**

If no payment is due, do not mail this form.

See Section A of the instructions for an alternative to using this form.

Amount of payment

00

For Privacy Notice, get form FTB 1131.

1201093

Form 540-ES 2008

✂ DETACH HERE IF NO PAYMENT IS DUE, DO NOT MAIL THIS FORM DETACH HERE ✂

**2009 Estimated Tax for Individuals**

File and Pay by Sept. 15, 2009

**540-ES**

Fiscal year filers, enter year ending month: Year 2010

Your first name	Initial	Last name	Your SSN or ITIN
If joint payment, spouse's/RDP's first name	Initial	Last name	Spouse's/RDP's SSN or ITIN
Address (including number and street, PO Box, or PMB no.)			Apt no./Ste. no.
City (If you have a foreign address, see instructions)			State ZIP Code

**Payment  
Form  
3**

Do not combine this payment with payment of your tax due for 2008. Make your check or money order payable to the "Franchise Tax Board." Write your social security number or individual taxpayer identification number and "2009 Form 540-ES" on it. Mail this form and your check or money order to: **FRANCHISE TAX BOARD, PO BOX 942867, SACRAMENTO CA 94267-0031.**

If no payment is due, do not mail this form.

See Section A of the instructions for an alternative to using this form.

Amount of payment

00

For Privacy Notice, get form FTB 1131.

1201093

Form 540-ES 2008

✂ DETACH HERE IF NO PAYMENT IS DUE, DO NOT MAIL THIS FORM DETACH HERE ✂

**2009 Estimated Tax for Individuals**

File and Pay by Jan. 15, 2010

**540-ES**

Fiscal year filers, enter year ending month: Year 2010

Your first name	Initial	Last name	Your SSN or ITIN
If joint payment, spouse's/RDP's first name	Initial	Last name	Spouse's/RDP's SSN or ITIN
Address (including number and street, PO Box, or PMB no.)			Apt no./Ste. no.
City (If you have a foreign address, see instructions)			State ZIP Code

**Payment  
Form  
4**

Do not combine this payment with payment of your tax due for 2008. Make your check or money order payable to the "Franchise Tax Board." Write your social security number or individual taxpayer identification number and "2009 Form 540-ES" on it. Mail this form and your check or money order to: **FRANCHISE TAX BOARD, PO BOX 942867, SACRAMENTO CA 94267-0031.**

If no payment is due, do not mail this form.

See Section A of the instructions for an alternative to using this form.

Amount of payment

00

For Privacy Notice, get form FTB 1131.

1201093

Form 540-ES 2008

# 2009 Instructions for Form 540-ES Estimated Tax For Individuals

## General Information

### Registered Domestic Partners (RDP)

For purposes of California income tax, references to a spouse, a husband, or a wife also refer to a California registered domestic partner RDP, unless otherwise specified.

**Round Cents to Dollars** – Round cents to the nearest whole dollar. For example, round \$50.50 up to \$51 or round \$25.49 down to \$25.

### A Purpose

Use Form 540-ES, Estimated Tax for Individuals, and the 2009 Estimated Tax Worksheet, to determine if you owe estimated tax for 2009 and to figure the required amounts. Estimated tax is the tax you expect to owe in 2009 after subtracting the credits you plan to take and tax you expect to have withheld.

If you need to make a payment for your 2008 tax liability or make a separate payment for any balance due on your 2008 tax return, use form FTB 3519, Payment for Automatic Extension for Individuals, or form FTB 3567, Installment Agreement Request, or call 800.338.0505.

Generally, the required estimated tax amount is based on the lesser of 90% of the current year's tax or 100% of the prior year's tax including Alternative Minimum Tax (AMT).

Certain taxpayers are limited in their use of the prior year's tax as a basis for figuring their estimated tax. See paragraph C below for more information. Check for estimated payments we've received by going to our website at [ftb.ca.gov](http://ftb.ca.gov) and search for **My FTB Account**.

Increasing your withholding could eliminate the need to make a large payment with your tax return. To increase your withholding, complete Employment Development Department (EDD) Form DE 4, Employee's Withholding Allowance Certificate, and give it to your employer's appropriate payroll staff. You can get this form from your employer, or by calling EDD at 888.745.3886. You can download the Form DE 4 at EDD's website at [www.edd.ca.gov](http://www.edd.ca.gov) or go to our website at [ftb.ca.gov](http://ftb.ca.gov) and search for **DE 4**.

Form DE 4 specifically adjusts your California state withholding and is not the same as the federal Form W-4, Employee's Withholding Allowance Certificate.

### B Who Must Make Estimated Tax Payments

Generally, you must make estimated tax payments if you expect to owe at least \$200 (\$100 if married/RDP filing separately) in tax for 2009 (after subtracting withholding and credits) and you expect your withholding and credits to be less than the **smaller** of:

1. 90% of the tax shown on your 2008 tax return.
2. The tax shown on your 2008 tax return including AMT.

#### Note:

- You do not have to make estimated tax payments if you are a nonresident or new resident of California in 2009 and did not have a California tax liability in 2008.
- If you are a military servicemember not domiciled in California, do not include your military pay in your computation of estimated tax payments. For additional information, get FTB Pub. 1032, Tax Information for Military Personnel.

If you and your spouse/RDP paid joint estimated tax payments, but are now filing separate income tax returns, either of you may claim all of the amount paid, or you may each claim part of the joint estimated payments. If you want the estimated tax payments to be divided, notify the FTB before the end of the tax year in which you wish to file separate income tax returns so that the payments can be applied to the proper account. The FTB will accept in writing, any divorce agreement (or court ordered settlement) or a statement showing the allocation of the payments along with a notarized signature of both taxpayers. The statements should be sent to:

JOINT ESTIMATE CREDIT ALLOCATION MS F225  
TAXPAYER SERVICES CENTER  
FRANCHISE TAX BOARD  
PO BOX 942840  
SACRAMENTO CA 94240-0040

### C Limit on the Use of Prior Year's Tax

Individuals who are required to make estimated tax payments, and whose 2008 adjusted gross income is more than \$150,000 (or \$75,000 if married/RDP filing separately), must figure estimated tax based on the lesser of 90% of their tax for 2009 or 110% of their tax for 2008 including AMT. This rule does not apply to farmers or fishermen.

### D When to Make Your Estimated Tax Payments

For estimated tax purposes, the year is divided into four payment periods. Each period has a specific payment due date. If you do not pay enough tax by the due date of each of the payment periods, you may be charged a penalty even if you are due a refund when you file your income tax return. The payment periods and due dates are:

#### For the payment period:

January 1 through March 31, 2009  
April 1 through May 31, 2009  
June 1 through August 31, 2009  
Sept. 1 through Dec. 31, 2009

#### File and Pay by:

April 15, 2009  
June 15, 2009  
September 15, 2009  
January 15, 2010

**Filing an Early Return In Place of the 4th Installment.** If you file your 2009 tax return by January 31, 2010, and pay the entire balance due, you do not have to make your last estimated tax payment. In addition, you will not owe a penalty for the fourth installment.

**Annualization Option.** If you do not receive your taxable income evenly during the year, it may be to your advantage to annualize your income. This method allows you to match your estimated tax payments to the actual period when you earned the income. You may use the annualization schedule included with the 2008 form FTB 5805, Underpayment of Estimated Tax by Individuals and Fiduciaries.

**Farmers and Fishermen.** If you are a farmer or fisherman, and at least two-thirds of your 2008 and 2009 gross income is from farming or fishing, you may do either of the following:

- Pay all of your estimated tax by January 15, 2010.
- File your tax return for 2009 on or before March 3, 2010, and pay the total tax due. In this case, you need not make estimated tax payments for 2009. Use the 2008 form FTB 5805F, Underpayment of Estimated Tax by Farmers and Fishermen, to determine if you paid the required estimated tax. If the estimated tax is underpaid, attach the completed form FTB 5805F to the back of your return.

**Fiscal Year.** If you file your return on a fiscal year basis, your due dates will be the 15th day of the 4th, 6th, and 9th months of your fiscal year and the 1st month of the following fiscal year. If the due date falls on a weekend, or legal holiday, use the next business day.

**Mental Health Services Tax.** If your taxable income or nonresident CA source taxable income is more than \$1,000,000, compute the Mental Health Services Tax on the worksheet below.

A. Taxable income from Forms 540/540A, line 19, or Long Form 540NR, line 22 .....	\$ (1,000,000)
B. Less: .....	
C. Subtotal .....	x .01
D. Multiply line C by 1% .....	
E. <b>Mental Health Services Tax</b> – Enter this amount on line 17 of the 2009 Estimated Tax Worksheet on the next page .....	

### E How to Use Form 540-ES Payment Form

Use the CA Estimated Tax Worksheet and your 2008 California income tax return as a guide for figuring your 2009 estimated tax. Be sure that the amount shown on line 21 of the CA Estimated Tax Worksheet has been reduced by any overpaid tax on your 2008 tax return which you chose to apply toward your 2009 estimated tax payment.

#### Note:

- Form 540-ES is not an application for an installment agreement. If you have a financial hardship and cannot pay your taxes in full, you may request to make monthly installment payments. Go to our website at [ftb.ca.gov](http://ftb.ca.gov) and search for **installment agreement**.
- If you filed Form 540 2EZ for 2008, do **not** use the Form 540 2EZ instructions for figuring amounts on this worksheet. Instead, get the 2008 California 540 & 540A Personal Income Tax Booklet.

There is a separate payment form for each due date. Please be sure you use the form with the correct due date shown in the top margin of the form. Complete Form 540-ES using black or blue ink.

1. Print your name, address, and social security number (SSN) or individual taxpayer identification number (ITIN) in the space provided on Form 540-ES. If you have a foreign address, enter the information in the following order: City, Country, Province/Region, and Postal Code. Follow the country's practice for entering the postal code. **Do not** abbreviate the country name.
2. Complete the amount of payment line of the form by entering the amount of the payment that you are sending. Your entry must match the amount you are sending.
3. Paying your tax:  
**Web Pay** – To make a payment online or to schedule a future payment (up to one year in advance), go to our website at [ftb.ca.gov](http://ftb.ca.gov) and search for **webpay**. **Do not mail** the form if you pay by credit card.  
**Credit card** – Go to our website at [ftb.ca.gov](http://ftb.ca.gov) and search for **pay by credit card** or call 800.272.9829. You will be charged a fee for this service. **Do not mail** the form if you pay by credit card.  
**Check or money order** – Make your check or money order payable to the "Franchise Tax Board." Write your SSN or ITIN and "2009 Form 540-ES" on it and mail to the address on the form.  
Make all checks and money orders payable in U.S. dollars and drawn against a U.S. financial institution.
4. Complete the Record of Estimated Tax Payments on the next page for your files.
5. **Fiscal year filers:** Enter the month of your fiscal year end (located directly below the form's title).

### F Failure to Make Estimated Tax Payments

If you do not make the required estimate payments, if you pay an installment after the date it is due, or if you underpay any installment, a penalty may be assessed on the portion of estimated tax that was underpaid from the due date of the installment to the date of payment or the due date of your tax return, whichever is earlier. Refer to the 2008 form FTB 5805 for more information.

**2009 California Estimated Tax Worksheet** Keep this worksheet for your records.

- 1 Residents:** Enter your estimated 2009 California AGI. Nonresidents and part-year residents: Enter your estimated 2009 total AGI from all sources. If you are a military servicemember not domiciled in California, do not include your military pay . . . . . **1** \_\_\_\_\_
- 2 a** If you plan to itemize deductions, enter the estimated total of your itemized deductions . . . . . **2a** \_\_\_\_\_
- b** If you do not plan to itemize deductions, enter the standard deduction for your filing status:  
\$3,516 single or married/RDP filing separately  
\$7,032 married/RDP filing jointly, head of household, or qualifying widow(er) . . . . . **2b** \_\_\_\_\_
- c** Enter the amount from line 2a or line 2b, whichever applies . . . . . **2c** \_\_\_\_\_
- 3** Subtract line 2c from line 1. . . . . **3** \_\_\_\_\_
- 4** Tax. Figure your tax on the amount on line 3 using the 2008 tax table for Forms 540/540A, or Long Form 540NR. Also include any tax from form FTB 3800, Tax Computation for Children with Investment Income; form FTB 3803, Parents' Election to Report Child's Interest and Dividends . . . . . **4** \_\_\_\_\_
- 5 Residents:** Skip to line 6a. **Nonresidents and part-year residents:**
- a** Enter your estimated California taxable income from Schedule CA (540NR), Part IV, line 49 . . . . . **5a** \_\_\_\_\_
- b** Compute the CA Tax Rate: Tax on total taxable income from line 4 . . . . . **5b** \_\_\_\_\_  
Total taxable income from line 3
- c** Multiply the amount on line 5a by the CA Tax Rate on line 5b . . . . . **5c** \_\_\_\_\_
- 6 a Residents:** Enter the exemption credit amount from the 2008 instructions for Forms 540/540A . . . . . **6a** \_\_\_\_\_
- b Nonresidents or part-year residents:** Enter the CA credit proration percentage. Divide line 5a by line 3. If more than 1 enter 1.0000 . . . . . **6b** \_\_\_\_\_
- 7 Nonresidents:** CA prorated exemption credits. Multiply the total exemption credit amount by line 6b . . . . . **7** \_\_\_\_\_
- 8 Residents:** Subtract line 6a from line 4. **Nonresidents or part-year residents:** Subtract line 7 from line 5c . . . . . **8** \_\_\_\_\_
- 9** Tax on accumulation distribution of trusts. See instructions for form FTB 5870A, Tax on Accumulation Distribution of Trusts . . . . . **9** \_\_\_\_\_
- 10** Add line 8 and line 9 . . . . . **10** \_\_\_\_\_
- 11** Credits for joint custody head of household, dependent parent, senior head of household, and child and dependent care expenses. **11** \_\_\_\_\_  
**Nonresidents and part-year residents:** For the child and dependent care expenses credit, use the amount from your 2008 Long Form 540NR, line 50. For the other credits listed on line 11, multiply the total 2008 credit amount by the ratio on line 6b.
- 12** Subtract line 11 from line 10. . . . . **12** \_\_\_\_\_
- 13** Other credits (such as other state tax credit). See the 2008 instructions for Forms 540/540A, or Long Form 540NR . . . . . **13** \_\_\_\_\_
- 14** Subtract line 13 from line 12. . . . . **14** \_\_\_\_\_
- 15** Interest on deferred tax from installment obligations under IRC Sections 453 or 453A . . . . . **15** \_\_\_\_\_
- 16** Alternative Minimum Tax. See Schedule P (540 or 540NR) . . . . . **16** \_\_\_\_\_
- 17** Mental Health Services Tax Worksheet, line E . . . . . **17** \_\_\_\_\_
- 18** 2009 Estimated Tax. Add line 14 through 17. Enter the result, but not less than zero. . . . . **18** \_\_\_\_\_
- 19 a** Multiply line 18 by 90% (.90). Farmers and fishermen multiply line 18 by 66 2/3% (.6667) . . . . . **19a** \_\_\_\_\_
- b** Enter the sum of line 30, line 31, and line 32 from your 2008 Form 540; line 34 from Form 540A; or the sum of line 38, line 39, and line 40 from your Long Form 540NR. . . . . **19b** \_\_\_\_\_
- c** Enter the amount from your 2008 Forms 540/540A, line 17; or Long Form 540NR, line 21 . . . . . **19c** \_\_\_\_\_
- d** Is the amount on line 19c more than \$150,000 (\$75,000 if married/RDP filing separately)?  
**Yes.** Go to line 19e. **No.** Enter the lesser of line 19a or line 19b. Skip line 19e and 19f and go to line 20. . . . . **19d** \_\_\_\_\_
- e** Multiply 110% (1.10) by the sum of line 30, line 31, and line 32 from your 2008 Form 540; line 34 from Form 540A; or the sum of line 38, line 39, and line 40 from your Long Form 540NR. . . . . **19e** \_\_\_\_\_
- f** Enter the lesser of line 19a or line 19e and go to line 20 . . . . . **19f** \_\_\_\_\_
- Caution:** Generally, if you do not prepay at least the amount on line 19d (or 19f if no amount on line 19d), you may owe a penalty for not paying enough estimated tax. To avoid a penalty, make sure your estimated tax on line 18 is as accurate as possible. If you prefer, you may pay 100% of your 2009 estimated tax (line 18).
- 20** California income tax withheld and estimated to be withheld during 2008 (include withholding on pensions, annuities, etc.) . . . . . **20** \_\_\_\_\_
- 21 Balance.** Subtract line 20 from line 19d (or line 19f if no amount on line 19d). If less than \$200 (or less than \$100, if married/RDP filing separately), you do not have to make a payment at this time. . . . . **21** \_\_\_\_\_
- 22 Installment** amount. Divide the amount on line 21 by 4. Enter the result here and on each of your Forms 540-ES. If you will earn your income at an uneven rate during the year, see Annualization Option in the instructions under paragraph D. . . . . **22** \_\_\_\_\_

**Record of Estimated Tax Payments**

Payment form number	(a) Date	(b) Web Pay/Credit Card and confirmation number	(c) Amount paid	(d) 2008 overpayment applied	(e) Total amount paid and credited add (c) and (d)
<b>1</b>			\$	\$	\$
<b>2</b>					
<b>3</b>					
<b>4</b>					
<b>Total</b>			\$	\$	\$